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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,663	10/02/2000	William E. LeBoeuf	J-2961	3408

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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT PAPER NUMBER

1772

28

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

A228

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/677,663	LEBOEUF ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alicia Chevalier	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,7-15,17-25,27,28,30-39,42-81,83-89 and 91-100 is/are pending in the application.
- 4a) Of the above claim(s) 51-79 and 96-100 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-15,17-25,27,28,30-39,42-50,80,81,83-89 and 91-95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 28,26,25,23                      6) ☐ Other: \_\_\_\_\_

## **RESPONSE TO AMENDMENT**

### ***WITHDRAWN REJECTIONS***

1. The 35 U.S.C. §102 rejection of claims 80-83 and 86-87 as anticipated by Thompson (3,929,135 of record in paper #19, page 4, paragraph #8 have been withdrawn due to Applicant's amendment in Paper #24.
2. The 35 U.S.C. §102 rejection of claims 1-5, 9-13, 25-30, 34-42, and 46-50 as anticipated by Vargo (4,328,275) of record in paper #19, pages 4-5, paragraph #9 have been withdrawn due to Applicant's amendment in Paper #24.
3. The 35 U.S.C. §102 rejection of claims 1-4, 6, 9-16, 20-23, 25-29, 31, 34-37, 88-90, 94, and 95 as anticipated by Alston et al. (5,270,089) of record in paper #19, page 5, paragraph 10 have been withdrawn due to Applicant's amendment in Paper #24.
4. The 35 U.S.C. §102 rejection of claims 1-4, 6, 9-16, 20-29, 31, 34-38, 88-90, 94, and 95 as anticipated by Shigeru (10137140) of record in paper #19, pages 5-6, paragraph 11 have been withdrawn due to Applicant's amendment in Paper #24.
5. The 35 U.S.C. §102/103 rejection of claims 84 and 85 as anticipated by or over Thompson (3,929,135) of record in paper #19, pages 7-8, paragraph 15 have been withdrawn due to Applicant's amendment in Paper #24.
6. The 35 U.S.C. §102/103 rejection of claims 7, 8, 18, 19, 32, 33, 92 and 93 as anticipated by or over Alston et al. (5,270,089) of record in paper #19, pages 8-9, paragraph 16 have been withdrawn due to Applicant's amendment in Paper #24.

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7. The 35 U.S.C. §102/103 rejection of claims 7, 8, 18, 19, 32, 33, 92 and 93 as anticipated by or over Shigeru (10137140) of record in paper #19, pages 9-10, paragraph 17 have been withdrawn due to Applicant's amendment in Paper #24.

8. The 35 U.S.C. §102 rejection of claims 1-5, 9-13, 25-30, 34-42 and 46-50 as anticipated by Coggins (5,520,945) of record in paper #22, pages 8-9, paragraph #19 have been withdrawn due to Applicant's amendment in Paper #24.

9. The 35 U.S.C. §103 rejection of claims 6-8, 14-24, 31-33, 43-45 and 80-95 over Coggins (5,520,945) in view of Brassington et al. (4,838,253) of record in paper #22, pages 9-10, paragraph #20 have been withdrawn due to Applicant's amendment in Paper #24.

#### ***NEW REJECTIONS***

10. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

#### ***Claim Objections***

11. Claim 31 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 25 from which claim 31 depends recites "a first material of thermoplastic resin having continuous liquid-permeable surface with a plurality of holes disposed therein" which makes claim 31 "wherein the first material comprises a continuous film material having holes disposed therein" redundant.

***Claim Rejections - 35 USC § 112***

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 1, 2, 5, 7-15, 17-25, 27, 28, 30-39, 42-50, 80, 81, 83-89 and 91-95 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 1 adds the limitation “wherein substantially no portion of the film layer adjacent the holes therein extends into the liquid absorbent portion” and independent claims 14, 25, 39, 80 and 88 add similarly phrased limitations. The specification does not disclose that portions of the film layer adjacent the holes are excluded from extending into the liquid absorbent portion.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) (“[the] specification, having described the whole, necessarily described the part remaining.”). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff’d mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. MPEP 2173.05(i).

14. Claims 39, 88, 89 and 91-95 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 39 recites the limitation "the second material" in line 6. There is insufficient antecedent basis for this limitation in the claim. Claim 39 has antecedent for a "second means" not a "second material."

Claim 88 recites the limitation "the thermoplastic material" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim. Claim 39 has antecedent for a "continuous film" not a "thermoplastic material."

***Claim Rejections - 35 USC § 102***

15. Claims 1, 2, 5, 7-10, 14, 15, 17-21, 25, 27, 28, 30-35, 39, 42-47, 80, 81, 83-89 and 91-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Endres (3,441,021).

Endres discloses a single use processing substrate (surgical dressing) comprising a continuous, liquid permeable, thermoplastic film layer (reference #18 in the drawings) have holes (reference #19 in the drawings) disposed therein; a liquid impervious barrier (reference #20 in the drawings) disposed opposite the film layer; and a liquid absorbent portion (references #12, #15 and #16 in the drawings) disposed the film layer, wherein substantially no portion of the film adjacent the holes therein extends into the liquid absorbent portion (col. 3, lines 25-75). The liquid absorbent portion is disposed between the film layer and the liquid impervious barrier (figure 4). The thermoplastic material is polyolefin (polypropylene, col. 3, lines 46-47). The absorbent portion comprises cellulosic material such as tissue (col. 3, lines 38-40).

Endres discloses a single use processing substrate (surgical dressing) comprising a top surface comprising a continuous thermoplastic film (reference #18 in the drawings) having holes (reference #19 in the drawings) disposed therein; a liquid absorbent portion (references #12, #15

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and #16 in the drawings) disposed adjacent the top surface, wherein substantially no portion of the top surface adjacent the holes of the thermoplastic film extends into the liquid absorbent portion, and a liquid impervious barrier (reference #20 in the drawings) surface opposite the top surface (col. 3, lines 25-75). The liquid absorbent portion is disposed between the top and the barrier surface (figure 4). The thermoplastic material is polyolefin (polypropylene, col. 3, lines 46-47). The absorbent portion comprises cellulosic material such as tissue (col. 3, lines 38-40).

Endres discloses a disposable processing substrate (surgical dressing) comprising a first material of thermoplastic resin (reference #18 in the drawings) having a continuous liquid-permeable surface with a plurality of holes (reference #19 in the drawings) disposed therein; a second material disposed adjacent the first material and having a liquid absorbent portion (references #12, #15 and #16 in the drawings), wherein substantially no portion of the material adjacent the holes of the first material extends into the second material; and a third material disposed adjacent the second material and having a liquid impervious portion (reference #20 in the drawings) (col. 3, lines 25-75). The first, second and third material form first, second and third layers, respectively (figure 4). The thermoplastic material is polyolefin (polypropylene, col. 3, lines 46-47). The second material comprises cellulosic material such as tissue (col. 3, lines 38-40).

Endres discloses a single use processing substrate (surgical dressing) comprising first means for providing a continuous, liquid permeable surface comprising a layer of thermoplastic film (reference #18 in the drawings) having holes (reference #19 in the drawings) disposed therein; second means disposed adjacent the first means and having a liquid absorbent portion (references #12, #15 and #16 in the drawings), wherein substantially no portion of the first

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means adjacent the holes of the thermoplastic material extends into the second material; and third means disposed adjacent the second means and providing a liquid-impermeable portion (reference #20 in the drawings) (col. 3, lines 25-75). The thermoplastic material is polyolefin (polypropylene, col. 3, lines 46-47). The layer of thermoplastic resin comprises a continuous film of material (col. 3, lines 25-75). The second means comprises cellulosic material such as tissue (col. 3, lines 38-40).

Endres discloses a processing substrate (surgical dressing) comprising a first material of thermoplastic resin (reference #18 in the drawings) having a liquid-permeable surface comprising a sheet of continuous film having holes (reference #19 in the drawings) disposed therein; a second material disposed adjacent the first material and having a liquid absorbent portion (references #12, #15 and #16 in the drawings), wherein substantially no portion of the material adjacent the holes of the thermoplastic material extends into the second material; and a third material disposed adjacent the second material and having a liquid impermeable surface (reference #20 in the drawings) (col. 3, lines 25-75). The liquid absorbent portion is disposed between the liquid permeable surface and the liquid impermeable surface (figure 4). The thermoplastic material is polyolefin (polypropylene, col. 3, lines 46-47). The second material comprises cellulosic material such as tissue (col. 3, lines 38-40).

Endres discloses a cutting surface (surgical dressing) comprising a first layer (reference #18 in the drawings) having a liquid-permeable surface comprising a continuous film having holes (reference #19 in the drawings) disposed therein; a second layer disposed adjacent the first layer and having a liquid absorbent portion (references #12, #15 and #16 in the drawings), wherein substantially no portion of the material adjacent the holes of the thermoplastic material



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extends into the second material; and a third layer disposed adjacent the second layer and having a liquid impermeable surface (reference #20 in the drawings) (col. 3, lines 25-75). The second layer is disposed between the first and third layers (figure 4). The thermoplastic material is polyolefin (polypropylene, col. 3, lines 46-47). The second material comprises cellulosic material such as tissue (col. 3, lines 38-40).

Process limitations are given little or no patentable weight. The method of forming the product is not germane to the issue of patentability of the product itself. Further, when the prior art discloses a product which reasonably appears to be either identical with or only slightly different than a product claim in a product-by-process claim, the burden is on the Applicant to present evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art. *In re Brown*, 459 F.2d 531, 173 USPQ 685 (CCPA 1972); *In re Fessman*, 489 F.2d 742, 180 USPQ 324 (CCPA 1974). This burden is NOT discharged solely because the product was derived from a process not known to the prior art. *In re Fessman*, 489 F.2d 742, 180 USPQ 324 (CCPA 1974).

Furthermore, the determination of patentability for a product-by-process claim is based on the product itself and not on the method of production. If the product in the product-by-process claim is the same or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 946, 966 (Fed. Cir. 1985) and MPEP §2113. In this case, the limitations “the holes in the film layer are formed by punching” – claims 7, 18, 32, 44, 84 and 92, and “the holes in the film layer are formed by perforating” – claims 8, 19, 33, 45, 85 and 93 are a method of production and therefore does not determine the patentability of the product itself.

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The preamble language “cutting surface” is (an) intended use limitation(s) and is not further limiting in so far as the structure of the product is concerned. “[I]n apparatus, article, and composition claims, intended use must result in a **structural difference** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. ***If the prior art structure is capable of performing the intended use, then it meets the claim.*** In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art.” [emphasis added] *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967); *In re Otto*, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963). See MPEP § 2111.02.

16. Claims 1, 2, 5, 7-9, 11-15, 17, 18-20, 22-25, 27, 28, 30-34, 36-39, 42-46, 48-50, 80, 81, 83-86, 88, 89 and 91-94 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris (4,755,413).

Morris discloses a single use processing substrate (absorbent product) comprising a continuous, liquid permeable, thermoplastic film layer (reference #15 in the drawings) have holes (reference #16 in the drawings) disposed therein; a liquid impervious barrier (reference #14 in the drawings) disposed opposite the film layer; and a liquid absorbent portion (reference #11 in the drawings) disposed the film layer, wherein substantially no portion of the film adjacent the holes therein extends into the liquid absorbent portion (col. 5, lines 1-66). The liquid absorbent portion is disposed between the film layer and the liquid impervious barrier (figure 4). The thermoplastic material is polyolefin (low density polyethylene, col. 3, lines 14-39). The absorbent portion comprises a cellulosic material (col. 5, lines 27-55). The liquid impervious

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barrier is formed by a continuous layer of thermoplastic resin made of polyolefin (polyethylene, polypropylene, col. 5, lines 56-66).

Morris discloses a single use processing substrate (absorbent product) comprising a top surface comprising a continuous thermoplastic film (reference #15 in the drawings) having holes (reference #16 in the drawings) disposed therein; a liquid absorbent portion (reference #11 in the drawings) disposed adjacent the top surface, wherein substantially no portion of the top surface adjacent the holes of the thermoplastic film extends into the liquid absorbent portion, and a liquid impervious barrier (reference #14 in the drawings) surface opposite the top surface (col. 5, lines 1-66). The liquid absorbent portion is disposed between the top and the barrier surface (figure 4). The thermoplastic material is polyolefin (low density polyethylene, col. 3, lines 14-39). The absorbent portion comprises a cellulosic material (col. 5, lines 27-55). The barrier surface is formed by a continuous layer of thermoplastic resin made of polyolefin (polyethylene, polypropylene, col. 5, lines 56-66).

Morris discloses a disposable processing substrate (absorbent product) comprising a first material of thermoplastic resin (reference #15 in the drawings) having a continuous liquid-permeable surface with a plurality of holes (reference #16 in the drawings) disposed therein; a second material disposed adjacent the first material and having a liquid absorbent portion (reference #11 in the drawings), wherein substantially no portion of the material adjacent the holes of the first material extends into the second material; and a third material disposed adjacent the second material and having a liquid impervious portion (reference #14 in the drawings) (col. 5, lines 1-66). The first, second and third material form first, second and third layers, respectively (figure 4). The thermoplastic material is polyolefin (low density polyethylene, col.

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3, lines 14-39). The second material comprises a cellulosic material (col. 5, lines 27-55). The third material is formed by a continuous layer of thermoplastic resin made of polyolefin (polyethylene, polypropylene, col. 5, lines 56-66).

Morris discloses a single use processing substrate (absorbent product) comprising first means for providing a continuous, liquid permeable surface comprising a layer of thermoplastic film (reference #15 in the drawings) having holes (reference #16 in the drawings) disposed therein; second means disposed adjacent the first means and having a liquid absorbent portion (reference #11 in the drawings), wherein substantially no portion of the first means adjacent the holes of the thermoplastic material extends into the second material; and third means disposed adjacent the second means and providing a liquid-impermeable portion (reference #14 in the drawings) (col. 5, lines 1-66). The thermoplastic material is polyolefin (low density polyethylene, col. 3, lines 14-39). The layer of thermoplastic resin comprises a continuous film of material (col. 3, lines 25-75). The second means comprises a cellulosic material (col. 5, lines 27-55). The third means is formed by a continuous layer of thermoplastic resin made of polyolefin (polyethylene, polypropylene, col. 5, lines 56-66).

Morris discloses a processing substrate (absorbent product) comprising a first material of thermoplastic resin (reference #15 in the drawings) having a liquid-permeable surface comprising a sheet of continuous film having holes (reference #16 in the drawings) disposed therein; a second material disposed adjacent the first material and having a liquid absorbent portion (reference #11 in the drawings), wherein substantially no portion of the material adjacent the holes of the thermoplastic material extends into the second material; and a third material disposed adjacent the second material and having a liquid impermeable surface (reference #14 in

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the drawings) (col. 5, lines 1-66). The liquid absorbent portion is disposed between the liquid permeable surface and the liquid impermeable surface (figure 4). The thermoplastic material is polyolefin (low density polyethylene, col. 3, lines 14-39). The second material comprises a cellulosic material (col. 5, lines 27-55).

Morris discloses a cutting surface (absorbent product) comprising a first layer (reference #15 in the drawings) having a liquid-permeable surface comprising a continuous film having holes (reference #16 in the drawings) disposed therein; a second layer disposed adjacent the first layer and having a liquid absorbent portion (reference #11 in the drawings), wherein substantially no portion of the material adjacent the holes of the thermoplastic material extends into the second material; and a third layer disposed adjacent the second layer and having a liquid impermeable surface (reference #14 in the drawings) (col. 5, lines 1-66). The second layer is disposed between the first and third layers (figure 4). The thermoplastic material is polyolefin (low density polyethylene, col. 3, lines 14-39). The second material comprises a cellulosic material (col. 5, lines 27-55).

Process limitations are given little or no patentable weight. The method of forming the product is not germane to the issue of patentability of the product itself. Further, when the prior art discloses a product which reasonably appears to be either identical with or only slightly different than a product claim in a product-by-process claim, the burden is on the Applicant to present evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art. *In re Brown*, 459 F.2d 531, 173 USPQ 685 (CCPA 1972); *In re Fessman*, 489 F.2d 742, 180 USPQ 324 (CCPA 1974). This burden is NOT

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discharged solely because the product was derived from a process not known to the prior art. *In re Fessman*, 489 F.2d 742, 180 USPQ 324 (CCPA 1974).

Furthermore, the determination of patentability for a product-by-process claim is based on the product itself and not on the method of production. If the product in the product-by-process claim is the same or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 946, 966 (Fed. Cir. 1985) and MPEP §2113. In this case, the limitations “the holes in the film layer are formed by punching” – claims 7, 18, 32, 44, 84 and 92, and “the holes in the film layer are formed by perforating” – claims 8, 19, 33, 45, 85 and 93 are a method of production and therefore does not determine the patentability of the product itself.

The preamble language “cutting surface” is (an) intended use limitation(s) and is not further limiting in so far as the structure of the product is concerned. “[I]n apparatus, article, and composition claims, intended use must result in a **structural difference** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. ***If the prior art structure is capable of performing the intended use, then it meets the claim.*** In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art.” [emphasis added] *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967); *In re Otto*, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963). See MPEP § 2111.02.

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***ANSWERS TO APPLICANT'S ARGUMENTS***

17. Applicant's arguments filed in paper #24 regarding the 35 U.S.C. 102 and 103 rejections previously of record have been considered but are moot since the rejections have been withdrawn.

***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

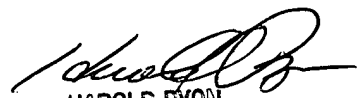
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (703) 308-4251. The fax phone number for the organization official non-final papers is (703) 872-9306. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac

10/17/03



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

10/18/03